

Mr. President.

I rise to discuss amendment number 71, introduced by Senator Ben Nelson.

This amendment is an effort to establish uniformity in ethics rules across the federal government – specifically the rules which apply to 1) gifts and travel paid for by lobbyists, 2) the revolving door between government and K Street lobbying firms, and 3) senior government officials secretly negotiating for private sector employment while still doing government work.

Mr. President, I would like to begin by saying a few words about what this amendment would and would not do.

First, this amendment would apply the principle that key ethics rules should, whenever practical, be uniform across the federal government. As I've often said, "if you are going to clean out the barn, clean out the whole barn."

The amendment would apply this principle in three important ways.

First, it would apply the gift and travel bans which become the rules in the Senate upon passage of this bill to senior and very senior executive and judicial branch personnel. After passage of this bill, we in the legislative branch will operate under a stringent set of rules which would ban all gifts and travel from lobbyists. Currently, executive branch personnel can, with a few exceptions, accept gifts of up to \$20 from so-called "prohibited sources" – which includes lobbyists trying to influence government action. Simply put, there is no reason why lobbyists should be able to give gifts – no matter how small – to senior employees of the executive and judicial branches.

Second, the amendment would ban all executive branch personnel from lobbying their former agency for one year after leaving government service. Currently, the revolving door rules in the executive branch apply only to senior and very senior personnel. That means that junior employees of any executive branch agency are permitted to go directly from a government job to a position lobbying their former office. Meanwhile, here in the Senate, all Members and staff are subject to at least some form of a revolving door rule – and the bill we are debating would strengthen those rules. Simply put, there is no reason why executive branch personnel – no matter how junior – should be permitted to lobby their former office immediately after leaving government service.

Third, the amendment would require senior and very senior executive branch personnel to disclose to the Office of Government Ethics any negotiation for private employment within 3 business days. The bill we are now debating would require Senators and senior Senate staff to disclose to the Ethics Committee that they are negotiating for private employment within 3 business days. There is no principled reason why this rule should not also apply to senior executive branch employees as well. Simply put, there is no reason why senior executive branch employees should be permitted to secretly negotiate

for prospective employment – often for positions which would involve government-related work.

Now, I would like to say a few words about what this amendment would not do.

First, the amendment's rules regarding gifts and the disclosure of negotiation for future employment would not apply to the hundreds of thousands of non-senior government employees. The amendment is narrowly drafted to ensure that the gift and disclosure rules apply only to those senior and very senior personnel who are at the heart of the policy-making process, and thus the most susceptible to outside influence. Indeed, of the more than 1 million executive branch personnel, this amendment would apply to only about 7,000 of them. That is less than 1%.

Second, the amendment would not create an undue burden on anybody. To the contrary, it would apply to the part of the executive branch, and in some cases the judicial branch, the same rules regarding gifts and travel, the revolving door, and disclosure of negotiation for future employment which will apply to us here in the Senate.

Mr. President, this is a narrowly drafted attempt to apply some of the key provisions in this bill to the other branches of government. It is based on both principle and practical concerns. The principle is that important ethics rules should, when appropriate, apply uniformly to key policy-makers across government. The practical concern is that key government personnel should not accept any gifts from parties seeking action by the government; that all legislative and executive employees should adhere to a minimum revolving-door rule; and that senior public officials should not negotiate for future employment in secret.

Mr. President, I support the Nelson amendment, I thank the Senator from Nebraska for his leadership on this issue, and I yield the floor.